

REMARKS

The Office Communication

On June 18, a telephone conference occurred between the subject Agent and the Examiner. In the conference, the Examiner requested submission of amended claim(s) comparing with the Office's decision that was mailed on March 22, 2010. The Examiner expressed the amended claims might be entered by Examiner's amendment. In the transmission of the requested amended claims was sent to the Examiner on June 18, 2010 at 15:07 EDT. The requested claim(s) in that transmission are reflected in the amended claim(s) present in this communication to the for transmission, the Examiner solicit the undersigned to require as to why claim 7 was not amended. As explained during that telephone conference, claim 7 depends from claim 1 and the Board's decision and reasoning presented in that decision clearly reversed the Examiner's interpretation of claim 7. Consequently, the statement that the Examiner was affirmed with regard to claim 7 is a hypothetical error in claim 7, depending from claim 7 means claim 8 allowable as a matter of law.

The Office communication purportedly mailed on June 23, 2010 was never received at the address indicated on the list of the communication. In expectation of a Notice of Allowance based upon the prior communications with the Examiner and the transmission of the amended claim(s), an online check of the image file wrapper for this application was conducted through the public PAIR system on July 21, 2010. Upon discovery of the allegedly mailed Office communication, that no notice was prepared.